

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA PRIORITY

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E.O. 11652:N/A

TAGS: ETEL, CA

SUBJECT: BORDER TELEVISION

1. CANADIAN DCM MCKINNEY CALLED ON DEPUTY ASSISTANT SECRETARY VINE DECEMBER 28 TO DELIVER LETTER FROM EXTERNAL AFFAIRS MINISTER JAMIESON TO THE SECRETARY CONCERNING COMMERCIAL DELETION.

2. THE SUBSTANCE OF THE LETTER, COPY OF WHICH IS BEING POUCHED TO THE EMBASSY, IS THAT GOC HAS DECIDED TO POSTPONE FURTHER IMPLEMENTATION OF DELETION IN ORDER TO PERMIT ASSESSMENT OF THE EFFECTS OF BILL C-58 AND TO ALLOW TIME FOR EXPLORING OTHER MEANS OF ACHIEVING CANADIAN BROADCASTING OBJECTIVES. LETTER STATES THAT MADAME SAUVE WILL REQUEST CRTC TO EXAMINE FEASIBILITY OF VARIOUS ALTERNATIVE
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MEANS OF ACCOMPLISHING BROADCAST OBJECTIVES.

3. MCKINNEY MADE FOLLOWING ADDITIONAL POINTS ORALLY (COPY OF TALKING POINTS ALSO BEING POUCHED).

A. CRTC HAS PASSED RESOLUTION WHICH IMPLEMENTS DECISION TO

POSTPONE FURTHER IMPLEMENTATION OF COMMERCIAL DELETION.

B. RESOLUTION WILL NOT BE MADE PUBLIC UNTIL AFTER JANUARY 26 SUPREME COURT HEARING ON COMMERCIAL DELETION CASE.

C. ON BASIS OF PRESENT INFORMATION GOC EXPECTS THAT ASSESSMENT PER PARA 2 ABOVE WILL TAKE TWO TO THREE YEARS.

D. AMONG ALTERNATIVES WHICH DOC IS EXPECTED TO ASK CRTC TO EXAMINE ARE NON-SIMULTANEOUS SUBSTITUTION AND "SELECTIVE DELETION". PREFERRED ALTERNATIVE IS NON-SIMULTANEOUS SUBSTITUTION; SELECTIVE DELETION IS RETAINED AS AN OPTION ONLY AS LAST RESORT IF BILL C-58 PROVES UNSATISFACTORY IN REPATRIATING ADVERTISING REVENUES.

E. THERE WILL BE NO PUBLIC ANNOUNCEMENT OF THE CANADIAN DECISION AT THIS TIME, ALTHOUGH MADAME SAUVE WILL ANSWER QUESTIONS IF THEY ARISE. GOC HOPES USG WILL HOLD CANADIAN DECISION IN CONFIDENCE UNTIL IT HAS BECOME PUBLIC IN CANADA. IN PARTICULAR, GOC ASKS THAT BORDER TELEVISION STATIONS NOT BE INFORMED.

4. IN RESPONSE, VINE EXPRESSED SATISFACTION WITH THE CANADIAN GOVERNMENT'S DECISION. HE ALSO NOTED THAT WITH REFERENCE TO THE ALTERNATIVES TO BE EXAMINED, THERE IS CLEARLY A MATTER OF PRINCIPLE INVOLVED HERE, AND EVEN THE U.S. STATIONS WOULD HAVE NO OBJECTION IN PRINCIPLE TO NON-SIMULTANEOUS SUBSTITUTION IF IT WERE TO PROVE POSSIBLE.
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VINE WENT ON TO SAY THAT SOME U.S. STATIONS MAY NOT BE SATISFIED WITH POSTPONEMENT OF COMMERCIAL DELETION IMPLEMENTATION, AND SOME STATIONS, INCLUDING KVOB, BELLINGHAM, ARE EXPECTED TO FILE PETITION UNDER SECTION 301 OF THE TRADE ACT. IN ANY EVENT, WE BELIEVE THIS PROBLEM WILL BE MANAGEABLE. WITH REFERENCE TO THE REQUEST THAT THE CANADIAN DECISION NOT BE PASSED ON TO THE U.S. STATIONS, VINE SAID FAILURE TO INFORM THE STATIONS OF A SIGNIFICANT DEVELOPMENT SUCH AS THIS COULD WORK AGAINST US, PARTICULARLY WITH REFERENCE TO DECISIONS OF OTHER STATIONS WHETHER TO JOIN KVOB IN 301 PETITION. HE EXPRESSED THE VIEW THAT THE APPEARANCE OF DISSEMBLING ON THIS WOULD BE IN NO ONE'S INTEREST. HE ALSO NOTED THAT OUR EXPERIENCE WITH THE STATION LAWYERS LEADS US TO BELIEVE THAT THEY WOULD HOLD THE MATTER IN CONFIDENCE UNTIL SUCH TIME AS ITS REVELATION WOULD NOT BE AN EMBARRASSMENT TO THE CANADIAN GOVERNMENT.

5. MCKINNEY TOOK THE POINT AND UNDERTOOK TO REFER
IT TO OTTAWA. HE ASKED THAT THE USG REFRAIN FROM DIS-
CUSSING THE MATTER WITH THE STATIONS FOR THE PRESENT AND
PROMISED TO HAVE A RESPONSE BY THE END OF THIS WEEK.
ROBINSON

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